

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROBERT GONZALES,

Petitioner,

vs.

BRAD CAIN,

Respondent.

Case No. 2:19-cv-00830-MK  
**OPINION AND ORDER**

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AIKEN, District Judge:

United States Magistrate Judge Mustafa T. Kasubhai issued his Findings and Recommendation (“F&R”) (doc. 29) in this case on January 14, 2021. In the F&R, Judge Kasubhai recommended that petitioner’s Petition for Writ of Habeas Corpus (doc. 2) be denied as untimely and that a Certificate of Appealability also be denied. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

Petitioner filed timely objections and respondent responded. Docs. 31,32. Accordingly, the Court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”

28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered petitioner's objections and conclude there is no basis to modify the F&R. I have also reviewed the pertinent portions of the record *de novo* and find no errors in Judge Kasubhai's F&R. Accordingly, the Court ADOPTS the F&R (doc. 29).

IT IS SO ORDERED.

Dated this 3rd day of August 2021.

/s/Ann Aiken

Ann Aiken  
United States District Judge